

1 STATE OF WASHINGTON)
 2)
 COUNTY OF SPOKANE)

U.S. DISTRICT COURT
 EASTERN DISTRICT OF WASHINGTON
 OCT 25 2019
 SEAN F. McAVOY, CLERK
 SPOKANE, WASHINGTON DEPUTY

I, Brian R. Hoff, being first duly sworn on oath, depose and say:

5 I. Agent Background

6 1. I have been a Special Agent with the Federal Bureau of Investigation (FBI)
 7 since April 11, 2010, and am currently assigned to the Seattle Division, Spokane Resident
 8 Agency. My duties include, among other things, the investigation of organized crime and
 9 drug trafficking. While employed by the FBI, I have investigated and participated in
 10 investigations involving federal criminal violations related to international terrorism,
 11 human trafficking, crimes against children, sexual assault, and violent crimes occurring
 12 within Indian Country.

13 2. Prior to being employed as a Special Agent with the FBI, I was a Probation
 14 and Parole Officer for the State of Missouri for approximately six years.

15 3. As a Special Agent, I am authorized to investigate violations of laws of the
 16 United States, and to execute warrants issued under the authority of the United States.

17 4. This Affidavit provides sufficient facts to establish probable cause that
 18 SCOTT JOSEPH FRANKLIN, with a date of birth of October 19, 1970, has committed
 19 the offense of Mailing Threatening Communications, in violation of Title 18, United
 20 States Code, Section 876(c).

21 5. The statements contained in this Affidavit are based in part on information
 22 provided by other agencies; written reports about this and other investigations that I have
 23 received, directly or indirectly, from other law enforcement agents; independent
 24 investigation; and my experience, training and background as a Special Agent with the
 25 FBI. Because this Affidavit is being submitted for the limited purpose of establishing
 26 probable cause to believe that SCOTT JOSEPH FRANKLIN committed the above-
 27 described offense, I have not included every detail of the investigation. In addition,

1 unless otherwise indicated, all statements contained herein are summarized in substance
 2 and in part.

3 FACTUAL SUMMARY

4 6. SCOTT JOSEPH FRANKLIN is currently in custody at the Spokane
 5 County Jail. He has previously been convicted of Mailing Threatening Communications,
 6 in violation of Title 18, United States Code, Section 876(c), in the United States District
 7 Court, Eastern District of Washington. *United States v. Scott Joseph Franklin*, CR13-
 8 116TOR (EDWA). For that prior conviction, he was sentenced on October 2, 2013, by
 9 the Honorable Thomas O. Rice to a term of imprisonment of 33 and one-half months,
 10 followed by a period of three years of supervised release. *Franklin*, CR13-116TOR, Dkt.
 11 No. 35. On April 18, 2017, FRANKLIN's supervision was revoked and he was
 12 sentenced on a Revocation Judgment to 18 months of imprisonment with no supervision
 13 to follow.

14 7. On October 16, 2019, the Office of the Clerk for the United States District
 15 Court, Eastern District of Washington (hereinafter referred to as "Clerk's Office"),
 16 contacted the United States Marshals Service (USMS) to notify them that the Clerk's
 17 Office had received letters from FRANKLIN. Copies of the letters and the postage
 18 envelope were provided to the USMS.

19 7. On October 18, 2019, USMS Deputy Marshal Christopher Fay provided me
 20 with copies of the letters and the envelope. The original letters and envelope were
 21 subsequently provided to me on October 23, 2019, by court staff. The original
 22 documents were logged and retained as evidence in FBI custody.

23 8. I have reviewed the two handwritten letters, two handwritten envelopes,
 24 and an United States Postal Service printed mailing envelope. Each handwritten letter
 25 was inside a handwritten addressed envelope. Each envelope had a handwritten return
 26 address of "Scott Franklin #105153 6E26, Spokane County Jail, 1100 W. Mallon
 27 Avenue, Spokane, WA, 99260," and addressed to "United States District Court Clerk, PO
 28 Box 1493, Spokane Wa 99201." One letter was dated October 12, 2019, and the second

1 letter was dated October 13, 2019. The letters with handwritten envelopes had been
 2 collectively placed in a USPS printed mailing envelope, addressed to "UNITED STATES
 3 DISTRICT COURT EASTERN DISTRICT OF WASHINGTON PO BOX 1493
 4 SPOKANE WA 99210-1493," with a return address of "Spokane County Jail, 1100 W
 5 Mallon Ave Spokane WA 99260-0320." This mailing envelope was postmarked on
 6 October 14, 2019. The Clerk's Office had placed a received stamp of October 16, 2019.
 7 The postmark date is the date on which the letters were caused to be deposited and placed
 8 in the Postal Service for delivery to the Clerk's Office.

9 9. In the letter dated October 13, 2019, it stated, in relevant part, "Dear Court
 10 Clerk, The F.B.I. jeopardized my safety and my life . . . Now, when I get out, I'm killing
 11 every agent of F.B.I. and ever [sic] Federal Judge within your Federal Courthouse in
 12 Downtown Spokane . . . I'm going to make a plastic or metal bomb so powerful to blow a
 13 2 block radiant and kill every F.B.I. agent and every Federal Judge in your Federal
 14 Courthouse. Why did they do that those stupid fucks. Tell them I'll see them shortly and
 15 I really mean it!" The letter contains a handwritten signature of "Scott J. Franklin."

16 10. The letter dated October 12, 2019, stated, "Dear Clerk, About my 1st letter
 17 of killing every Judge and every F.B.I. agent in your Federal Courthouse in Downtown
 18 Spokane at 920 W. Riverside, Spokane, Washington 99201 with powerful explosive
 19 bomb – well you can't charge me with mailing threatening communications under title 18
 20 U.S.C. Because that letter is a promise I swear to god I going to blow up and kill every
 21 Federal Judge and every F.B.I. Agent in your Federal Courthouse when I get out soon,
 22 and that's a promise I swear to god and this is no joke, for real." This letter is signed,
 23 "Cordially; Scott J. Franklin."

24 11. On October 23, 2019, Deputy Marshal Fay and I contacted FRANKLIN at
 25 the Spokane County Jail. After being advised of his rights and that the interview was
 26 voluntary and was being recorded, FRANKLIN agreed to speak with us. FRANKLIN
 27 confirmed that he had written the letters dated October 12 and 13, 2019, and caused them
 28 to be mailed to the United States Courthouse. When asked about his intentions when he

1 wrote the letters, FRANKLIN stated, "I was gonna do exactly what I said in the letter . . .
2 I was gonna try to figure out how to make a bomb and blow up the fucking building."
3 FRANKLIN equivocated and said, "Probably not now. I'm not mad no more," but later
4 in the interview clarified, "I'm pretty mad at'em man. You know what I'm saying? I
5 mean, I was seriously gonna figure out how to make something. I was seriously gonna
6 do it." FRANKLIN explained that he has previously constructed explosive devices,
7 including bombs using "C-4," and that he believes he could obtain explosives from
8 people he knows in the military.

9 11. Based on the foregoing, I believe that there is probable cause to believe that
10 SCOTT JOSEPH FRANKLIN committed the offense of Mailing Threatening
11 Communications, in violation of Title 18, United States Code, Section 876(c).

BRIAN R. HOFF
Special Agent
Federal Bureau of Investigation

Based on the Complaint and Affidavit sworn to before me, and subscribed in my presence, the Court hereby finds that there is probable cause to believe the Defendant JOSEPH SCOTT FRANKLIN committed the offense set forth in the Complaint.

Dated this 25th day of October, 2019.

~~JOHN T. RODGERS~~
United States Magistrate Judge